

Dev-

(1935) Department.

Rs SERIES.

G.O. No. 520

DATED 28th March 1935

[Despatch Abstract.]

Factories

Sri Krishna Mills, Mangalore -
Declaration as a Factory -
Papers Recorded

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.



Des. 3375-1
17-12-34

To

The Secretary to Government

Development Department

M a d r a s

Humble Memorial of the Proprietors of the Sri
Krishna Mills Co, Mangalore.

Dated 14-12-1934.

p 5 infra
The Memorialists beg humbly to state that they
have received a communication U.R.No.55/34, dated ---
2-12-1934(copy enclosed) from the Inspector of ---
Factories that steps would be taken under Section --
2(3)(b) of the Indian Factories Act to notify this
Mills as a Factory.

q p 36-8 infra
2. The Memorialists think that the Government
must have by this time received the communication fr
---om the said Inspector of Factories sending the ---
notification referred to and they therefore beg to
make the following representation that such a notifi
---cation is not justifiable.

3. The Memorialists may be permitted to submit
that the Inspector must have taken the drastic --
steps as his attempt to prosecute them for the alleged
offences under the Factories Act finally failed in
the High Court of Judicature at Madras though it --
succeeded in the two Lower Courts.

4. The Inspector is very much put out by their final success and when he came over here in November 1934 for inspecting the Mills it looked as if he came with a special prejudice as he expressed himself in clear terms that the Memorialists would not be allowed to be free from his control over them.

5. In pursuance of this declared intention of his he made a show of inspection and without caring to view the matter with a fair mind which in justice he ought to have done and to issue instructions which all things have to be remedied, he sent a Communication U.R.No.55/34 dated 21-11-1934 (copy enclosed) specifying certain defects which did not exist and calling for objections, if any, against his intention to address the Government to declare their Mills a factory.

6. The Memorialists immediately sent their objections dated 25-11-1934 against the Inspector's said intention, but as anticipated by them, the Inspector has sent the Communication U.R.55/34 dated 2-12-1934 referred to above, of his determination to send the notification declaring the Mills a Factory.

7. To the arguments of the Inspector, the Memorialists submit that as already explained by them in their objection dated 25-11-1934, it is not at all true that the working hours are not specified and that no rest is allowed to work people. It is also not true that there is only one driver.

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flag (2)
st. p 16 C-7 of the
Office of the C.D.7

p 5 Wilson

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x pp 18-19 of C-7
of the office of C.D.7.

There is a regular register kept which shows the working hours. the hours of rest and interval which the Inspector saw but omitted to attest.

There are two drivers one of whom has obviously noted by the Inspector as a cleaner to suit his own ends in view.

As regards the Tinker the Inspector saw only a boy who was sent by his father on the day when the Inspector came for inspection of the Mills. The Tinker is not an employee of the Mills. He is being paid --- only by the customers who purchase tins of oil from the Mills. Anyhow the Memorialists have warned the Tinker against sending his minor son during his absence in future.

8. It will not be out of place to submit here that the Memorialists started their Mills so long back as 1914, and the fact that there has not been a -- single accident since then is a clear proof how --- carefully they have been working the Mills. Again the fact that most of the employees who are even now --- working were those entertained at the start cannot but be a proof that the Memorialists have been taking ---- genuine interest in the welfare and health of their employees.

9. The employees are mostly people living at a distance of over a mile from the Mills and they -

In reply, please quote
number, date and
short title.*

Received.....Registered.....

From (Name) M.R.Ry. C.G. Reddi Garu,
B.Sc. Tech.(Manch.) A.M.C.T., A.M.I.E.(India),
(Designation) Inspector of Factories, V.Circle,

Post Box....., (STATION) Coimbatore

Telegraphic Address.....

To

The Occupiers,

Sri Krishna Mills Co.,
Mangalore, South Kanara Dt.

U.R. No. 55/34, dated 2nd December 1934

Sir,

ENCLOSURES.....

Ref:-- Your objection petition dated 25-11-34
to notify Sri Krishna Mills Co., Mangalore as a
factory under Section 2(3)(b) of the Indian Factories
A c t.

SPARE COPIES.....

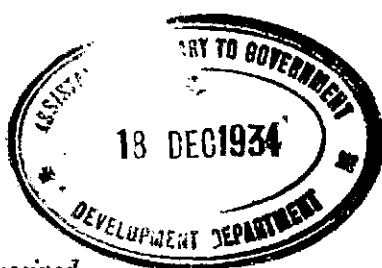
1. I visited your factory on 21-11-34 along with the Municipal Health Officer, Mangalore.
2. The register which was shown to me was only a - muster roll, wherein the actual periods of employment were not marked. It was also ascertained that the factory would be working continuously without stoppages and since only one driver was employed, it was evident that no rest interval would be given to him.
3. The work of a tinker or a bellowsboy in this factory is incidental to the completion of the manufacturing process and his work would come under the purview of the Factories Act.
4. The objections raised are not valid and necessary steps will be taken to notify your factory under Section 2(3)(b) of the Indian Factories Act.

DE

2-10-34

R. F. Reddy
2.12.34
Inspector of Factories, V.Circle.

S.R.



6
LABOUR DEPARTMENT.

Dev. 3395-I

18-12-34

C.F. 30.

Received 192

Registered 192

Subject.

Factories - Sri Krishna Mills, Mangalore - Notification
under Section 2 (3) (b) of the Indian Factories Act -
Recommended.

ENCLOSURES.

No

Spare copies

C-4-No. 6036/34.

Station Chepauk, Dated the 13th December 1934. ~~13~~

From (Name) J.F. Hall Esq., C.I.E., O.B.E., I.C.S.,

(Designation) Commissioner of Labour, Madras.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Sir,

The factory in question was registered under Section 2 (3) (a) of the Indian Factories Act by the Inspector of Factories, V Circle, Coimbatore, in March 1933. The Occupiers of it were prosecuted and convicted in October 1933 for non-compliance with certain provisions of the Act and the rules thereunder. When the case was pending trial in the Court of the Sub Divisional Magistrate, Mangalore, the Occupiers - appealed to my predecessor against the registration on the ground that two of the persons counted by the Factory Inspector as "employed", were night watchmen who are not covered by the Section 2(2) of the Act. The appeal however was rejected as it was found that the appellants' contention was not founded

-2- 2

on fact, and as the matter was then subjudice in a criminal court,

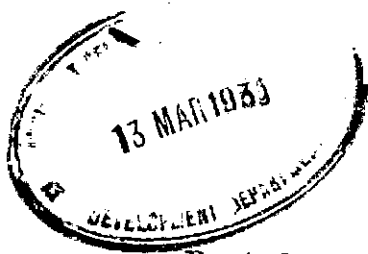
The appellants were convicted in the Criminal Court. They then filed a criminal revision petition in the High Court against the judgment of the Sub Divisional Magistrate convicting them. During the hearing in the High Court the defence stressed the point that one of the persons in the factory who was reckoned by the Factory Inspector as "employed" under the Act was merely a salesman who had nothing to do with the manufacturing process and who could not therefore be deemed to be so "employed". ~~under the Act~~ ~~and~~ notice of the revision petition was not given to me, the Factory Inspection Department had no opportunity to represent to the High Court that the salesman in question was also employed in weighing, measuring and checking the oil extracted in the factory and that his work was connected with and incidental to the manufacturing process. In the absence of such a representation, the Hon'ble Judge accepted the contention of the defence and acquitted the Occupiers. The factory had therefore to be removed from the register of the Factories Inspection Department.

3/ The records reveal the fact that the Occupiers of this factory have been attempting to evade the Act and have resented the control of the Factory Inspector ever since the registration of the factory. By an unfortunate set of circumstances, they have succeeded in circumventing the factory law. The Factory Inspector's report enclosed shows that the provisions of the Act and the rules are not complied with in this factory and the facts set out above indicate that they are not likely to be observed in the future unless it is brought under control once again by recourse to Section 2(3)(b) of the Act. The notice under rule 37 served on the Occupiers, the objection petition received from them under rule 38 and the Factory Inspector's reply to the objections are sent herewith in original. The objections raised should undoubtedly be overruled and the premises should be notified as a factory under Section 2(3)(b). I therefore request that the Government may be pleased to accept my recommendation to that effect

and

1/1-15
7/1/19
C.L.

1/16-19
7/1/19
C.L.



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De. 1357-1
13-3-35

C.F. 30.

LABOUR DEPARTMENT.

Received 19 Registered 19

Subject.

Factories - Sri Krishna Mills, Mangalore - Notification as a factory -

ENCLOSURES.

No.

Spare copies

G-4- No. 6036/34

Station M a d r a s , Dated the 9th March 1935. 19

From (Name) T.G. Rutherford Esq., C.I.E., I.C.S.,
(Designation) Commissioner of Labour, Madras.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Fort St. George.

Sir,

Ref:- Government Memorandum No. 3325-1/34-1,
Development Department, dated 10-1-1935.

To-day I made a surprise visit to the Sri Krishna Mills, Mangalore, and found on their muster-roll 2 drivers, 13 coolies, 1 so-called "salesman", and in addition 3 clerks and 1 Accountant. One of these 3 clerks is a Head-clerk who appears to run the business on behalf of the proprietors. There were also present 1 Bellows-boy and 1 Tinker who were not entered in the Muster-roll on the ground that they were paid for by customers. Including the so-called salesman and the Bellows-boy and the Tinker but excluding the clerks and

9.3.35

and Accountant, there were actually 15 workers as defined in the Factories Act present at work. There was also present one outside cooly who bore a metal disc showing that he was employed by Messrs. N. Krishna Naick & Sons. The Head clerk stated that there might be 2 or 4 such outside coolies present, who are paid by customers for removing oil from the premises to carts or other premises. It appears to be correct that the outside coolies are not employed by the firm. As regards the so-called salesman, he is certainly not a clerk as contended by the firm but is a workman employed in measuring out oil as purchased and weighing oil-cake, and must certainly be regarded as a worker of the Mills. I have checked through the Muster-rolls for 1933-1934 and find that including the "salesman", the bellows-boy and the tinker, the number of workers employed has generally come up to 20 during 1933 but has been below that figure during 1934. When I visited, there was a considerable number of buyers present who were buying small quantities of oil and there was nothing really whole-sale in the transactions. The contention of the proprietors that the man who measures oil and weighs cake was a salesman clerk and not a worker under the Act is wrong and the original prosecution was correct. Although there are two engines employed in driving the oil chucks and normally more than 10 persons are simultaneously employed, there seems to be no special reason why the Mill should be declared a factory under Section 5(1) of Act XXV of 1934.

I have the honour to be,

Sir,

Your most obedient servant,

for Commissioner of Labour.

R.V. 12/3

Dev Dept
Factories - Sree
Mills
Krishna Company
Mangalore.

C. No 33/5 - 1/34

Imp

Please see the memorial from the Proprietors of the Sree Krishna Mills Company at pp 1-4 C-2 and the letter from the Commissioner of Labour at pp 6-8 C-2.

2. The facts of the case are detailed in paras 1-2 at pp 6-7 C-2. The factory is at present not registered in the Register of Factories. ~~The~~ The present propose is that it should be declared a factory under Section 2(3)(b) of the Indian Factories Act, 1911. The reasons in support of the proposal are given in para 3 at pp 7-8 C-2. Reference is ~~also~~ solicited to the ^{notice issued by} ~~objections~~ ^{and the reply thereto} of the Factory Inspector at pp 16 ^{and 18-19} of the ~~the~~ Chief Inspector's Office current file respectively. ~~The~~ In the present memorial the memorialists reprove that the Factory Inspector was prejudiced against them and has raised objections which are not at all

file (2)

with

based on facts and Therefore request
that an impartial enquiry may
be made by the District Magistrate.

3. Under the Factories Act
1934, the ^{Mills} ~~factories~~ have to be ^{declared} ~~registered~~
a factory by a notification under
Section 5(1) and such notification
will cease to have effect ^{automatically} ~~if~~ after
the lapse of 12 months during which
of not more than 9 workers were
employed ~~therein~~ in that factory on
any day. Before ~~having~~ accepting
the recommendation of the Commission,
it is for consideration whether the
Commissioner of Labour, who has
^{presumably} ~~apparently~~ not inspected the
^{in his capacity as chief inspector} factory in question, ^{may} ~~can~~ be asked
to investigate in consultation with
the Collector and report to Govt the
actual state of affairs. ~~After~~
This ~~enquiry~~ investigation appears
to be necessary in view of the fact that
the Company denies certain facts
alleged to exist according to the
report of the Inspector of Factories.
If the above is accepted a draft
order to the Commissioner is submitted
for approval. The High Court

* Corresponding to the 25/6/11
of the Act of 1911.

have decided that the Sri Krishna Mills, Mangalore, is not a factory. In view of this it is submitted that we should be on sure ground before the premises is declared to be a factory. Copy of the High Court's judgment has not been submitted to Govt.

In a case of this kind, it is ^{RK} highly desirable that the Chief 3.1.35- ~~Deputy District~~ Personal inspection and satisfies himself that the recommendation of the local inspector should be accepted.

RK
4.1.35

It certainly seems more satisfactory to get the C.L.'s opinion independently. *Attal*

H.M.C. *attal*
8.1.35

2. 1. 35 [Done as per No. 3375 I/341 dt 10.1.35]
1. 10. 11. 35 [From the C.L. No. C-4-6036/34 dt 9.3.35]

Attal
Mr. J. I. Hall recommended to Govt. in December last that Sri Krishna Mills, Mangalore should be declared a factory under Section 5 (1) of the Factories Act, 1934, for the reasons

4

Reasons stated in this letter at p 16-8 C-7.

As a memorial was submitted by the Company denying the certain facts alleged to have existed, the Govt. desires that the Commissioner of Labor should personally investigate into the matter and report to Govt. The present Commissioner (Mr. Rutherford) reports that ^{though} normally more than 10 persons are simultaneously employed in the ^{mill} ~~factory~~ ~~located there~~ There is no special reason why the mill should be declared a factory under section 5(1) of the Act. Since the Commissioner of Labor does not want that the ~~fact~~ mills should be declared a factory no action appears to be necessary. The papers may be recorded. A draft order is submitted for approval

21-3-35
22-3-35

25-3-35

24/3

25-3-35
R 27-3-35

H.M.C 2

27/3

26-3-35

11/28/35

DRAFT FOR APPROVAL.

OF 16.

When received for
fair copying ..

When copied ..

When examined ..

When signed ..

When despatched.

Date.

Initials.

SUBJECT:—

Dec Dept

Factor's

Sri Krishna Mills -
Mangalore - Declaration
As a factory - Papers
recorded

READ AGAIN _____, dated _____ 19____.

" " _____, dated _____ 19____.

READ ALSO:—

No. 3375 From the Sri Krishna Mills, No. _____, dated 14.12.34 14c

34 3395 " C.L. Mangalore C-4-6036 13.12.34 14c

104 to C.L. Am 3375 10.1.35 14c

" pm C.L. C-4-6036/24 9.3.35 14c

Order Ms.

Resolution Rout.

No. 520, dated 28 3 1935

Recorded

2 The memorialists
are referred to the Commission
of Enquiry for orders on their
memorial

The C.L. Dec. 11/28/35
The Sri Krishna Mills to
Mangalore
(para 2 only)
Encl form.

21.3.35
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29.3.35